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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/313,535 05/13/99 PARULSKI K 73251/PRC

001333
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WM02/1220

EXAMINER

HARRINGTON, A

ART UNIT

PAPER NUMBER

2612

DATE MAILED:

12/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/23/53

Applicant(s)

Parvish et al

Examiner

Hearings

Group Art Unit

2612

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 11.15.00
- ☐ This action is FINAL
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1, 2, 3-15, 26-31, 33-38 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 3-15, 26-31, 33-38 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

Continued Prosecution Application

1. The request filed on 11/15/00 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/313,535 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7,9,10, 12, 13, 15, 28-31,33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada (No. Hei 5-344460) in view of Sarbadhikari(US 5,477,264).

As for claim 1, Yamada discloses an electronic still camera connected to a reproduction unit comprising:

an image sensor(p.3; electronic still camera; see figure 1);

a converter stage (p. 23 section 21, lines 1-6));

a memory of storing plurality of classification of images (p. 23, lines 1-6).

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a processor having a capability of assigning the plurality of categories to the images captured by the image sensor, each category providing subject classification of one or more images (p. 7, lines 2-15);

control means (designation means; #8);

means for generating an output image signal comprising an image file both the digital image data corresponding to the images and separate category data selected by the control means (changing the classification code of an image by deleting a pre existing classification code; page 17, section 14 lines 1-20) wherein the category data is separately accessible for each image apart from the image data; and

means responsive to the computer initiated request for transferring the image files corresponding to at least one particular category of the plurality of categories (via CPU) to the reproduction unit. Since the reproduction unit is able to take a user specified categories /classifications and correlate with image data stored in the storage medium, it is a computer. Yamada also discloses an embodiment where the reproduction unit is separable from the camera (i.e. must be connected via cable or infrared source) with the camera but fails to specifically disclose the camera in the is embodiment contains the classifying unit. However, it is well known in the art to have a camera with selectable categories for categorizing/classifying images to be connected to an external computer via cable interface where the connection is used to transfer image files corresponding to at least one category, as taught by Sarbadihikari.

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In the same field of endeavor, Sarbadhikari discloses a camera with enhancement files used to categorize image data. The enhancements files can be stored in the firmware memory and camera displays the categories for user selection. This system, as illustrated in figure 11, allows an external computer to receive image files corresponding at least to one category with a graphic image (see col. 11, lines 14-40) via cable interface, and the computer can transfer categories/enhancement files to the camera. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made that a camera with classifying unit and connectable to an external computer via cable would be within routine skill in the art, as such provides a direct way of transferring images from camera using a standard interface computer cable.

As for claim 2, Yamada discloses the categories are input by the user and then stored in the memory (can be externally generated by speaking or keying). However, Yamada fails to disclose an embodiment where default categories are stored in firmware of the memory. As discussed above in claim 1, Sarbadhikari discloses a camera with enhancement files used to categorize image data. The enhancements files can be stored in the firmware memory. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made that images can be stored in a firmware memory, as such would not overly increase the cost of the system and such a memory is source for camera operating information.

As for claim 3-4, Yamada discloses the categories are input by the user and then stored in the memory (can be externally generated by speaking or keying). Yamada also discloses a LCD

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(#7) which is a status display which shows classification codes. However, Yamada fails to disclose an embodiment where default categories are stored in firmware of the memory and . As discussed in claim 1, Sarbadhikari discloses the claimed features, as illustrated in figure 9. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include this feature as taught by Sarbadhikari which helps ease the user in deriving categories/overlays for images and adds an quick help/ default feature to the system .

As for claim 5, the files are stored in a section of the memory as displayed by the track map display (see page 1).

As for claim 6, Yamada fails to disclose the images are displayed with titles/classifications overlaid on the images. However, Sarbadhikari discloses the categories are overlaid on the image data (col. 10, lines 25-35). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include this feature as taught by Sarbadhikari, as another way of confirming the classification of each particular image and not destroy the image data.

As for claim 7, in another embodiment (see figure 10), the user may input classification codes by speaking (voice recognition) or key input(SEE PAGE 19 SECTION 17).

As for claim 9, see figure 7-8.

As for claim 10 and 12, see Examiners notes in claim 7 and 1.

As for claim 13, see Examiners notes in claim 1. Additionally, Yamada discloses the categories are input by the user and then stored in the memory (can be externally generated by speaking or keying).

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As for claim 15, speech input elements #29 and 30 in figure 10. Sarbadhikari, in the camera connected to computer embodiment, discloses that image overlays (customized categories) can be uploaded to the computer and then downloaded to the camera via cable into a signal port in the camera . Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made that category information can be external input from a signal port in the camera via an input unit on the camera side or from the computer. Such allows multiple access to data manipulation, thus system flexibility.

As for claim 28, see Examiners notes in claim 15.

As for claim 29-30, see Examiners notes in claim 1.

As for claim 31 and 33-34, the control means is a user control means.

As for claim 35 and 37, the reproduction unit selects the category according the user request in Yamada. In Sarbadhikari, the categories may also be selected on the computer according to user request (see abstract).

As for claims 36 and 38, see Examiners notes in claims 35, 37 and 1.

3. Claims 8, 11, 14 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. in view of Sarbadhikari, further in view of Yoshida (US 5,515,101).

As for claim 8, see Examiners notes in claim 7. In addition, Yamada and Sarbadhikari fail to specifically disclose the categories are alpha numeric names. Although, it is well known in the art, as taught by Yoshida. In the same field of endeavor, Yoshida discloses a camera system(see

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figure 9) for capturing images comprising a memory means (7) for storing a plurality of categories(titles: wedding, baby etc) providing classification of the images by subject; and a processor means (26) for having the capability of assigning the categories to the images captured by the image sensor, each category provide a subject classification of one or more images (col. 2, lines 59-67). At col. 8, lines 60-65, Yoshida discloses that titles overlaid on image can be alpha numeric (text strings). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made that categories can be alphanumeric as it increases the quantity of available unique for categorizing images.

As for claim 11, see Examiners notes in claim 9 and 8.

As for claim 14, see Examiners notes in claim 13. In addition, Yoshida discloses the tiles are stored with attribute which is a date and time information from a internal clock. (Col. 3, lines 1-55).

~~As for claim 26, see Examiner notes in claim 7. In addition, Yoshida discloses a memory is loadable , thus inherently signal part.~~

As for claim 27, see Examiner notes in claim 15. In addition, the external computer can write categories onto a card and transfer then to the camera off the card. See figures 8A and 10 of Yoshida.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Harrington whose telephone number is (703) 308-9295. The examiner can normally be reached on Tuesday to Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Wendy Garber, can be reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 308- 6296 (for informal or draft communication, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist)

AMH: *AMH*

December 8,2000

W. Garber
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